

COURT OF APPEAL OF THE STATE OF CALIFORNIA  
FOURTH APPELLATE DISTRICT  
DIVISION ONE  
March 5, 2007

**D048032      Murty v. Arroyo**

The order is affirmed. Arroyo is entitled to costs on appeal. McConnell, P.J.;  
We Concur: McDonald, J., McIntyre, J.

**D049631      In re Daniel L., a Juvenile**

The appeal is dismissed. Irion, J.; We Concur: McIntyre, Acting P.J., Aaron, J.

**D048900      In re L.S., a Juvenile**

The judgment is affirmed. McDonald, J.; We Concur: Huffman, Acting P.J., McIntyre, J.

**D050221      Christina M. et al. v. Superior Court of the County San Diego/San Diego  
County Health and Human Services Agency**

The attorney for petitioner Christina M. has notified the court that a petition for writ of mandate under CRC, rule 8.452 and 5.600 will not be filed as there are no viable issues for writ review. The case as to Christina M. is dismissed.

**D048934      In re Daniel P., a Juvenile**

Judgment affirmed. Irion, J.; We Concur: Benke, Acting P.J., McDonald, J.

COURT OF APPEAL OF THE STATE OF CALIFORNIA  
FOURTH APPELLATE DISTRICT  
DIVISION ONE  
March 6, 2007

**D048934      In re Daniel P., a Juvenile**

Judgment affirmed. Irion, J.; We Concur: Benke, Acting P.J., McDonald, J.

COURT OF APPEAL OF THE STATE OF CALIFORNIA  
FOURTH APPELLATE DISTRICT  
DIVISION ONE  
March 7, 2007

**D049660      People v. Elliott**

The judgment is affirmed. Irion, J.; We Concur: Huffman, Acting P.J., McIntyre, J.

**D047987      Hillyard v. Department of Motor Vehicles**

The judgment is reversed and the matter is remanded to the trial court with directions to deny Hillyard's petition for writ of mandate. Aaron, J.; We Concur: Huffman, Acting P.J., Irion, J.

**D046904      People v. Rivers**

The judgment is affirmed. Benke, Acting P.J.; I Concur: Irion, J., I Dissent: McIntyre, J.

**D048066      Ulloa et al. v. McMillin Real Estate and Mortgage Inc., et al.**

The judgment is affirmed. Respondents are awarded costs on appeal. McConnell, P.J.; We Concur: Haller, J., Aaron, J.

**D048545      People v. Young**

The conviction on count 3 is reversed. In all other respects, the judgment is affirmed. The case is remanded for the trial court to strike the conviction on count 3 and resentence Young accordingly. The trial court should then send a corrected abstract of judgment to the Department of Corrections. Irion, J.; I Concur: McDonald, J.; I Concur and Dissent (by opinion): Haller, Acting P.J.

**D049363      In re Alfonso T. et al., a Juvenile**

The judgment is affirmed. Haller, Acting P.J.; We Concur: McIntyre, J., Aaron, J.

**D049077      Hurst & Hurst v. Higgs, Fletcher & Mack, LLP et al./Webb & Carrey, APC.**

Upon filing a written abandonment of appeal, the appeal filed by Higgs, Fletcher & Mack, LLP on July 18, 2006, is DISMISSED and the remittitur is ordered to issue immediately.

**D048922      In re Charly G., a Juvenile**

The judgment is affirmed. Huffman, Acting P.J.; We Concur: Haller, J., Irion, J.

**D049495      Thamavit v. American Intercultural Student Exchange Inc., et al.**

Upon written request filed by appellant, the appeal is dismissed and the remittitur is ordered to issue immediately. (Cal. Rules of Court, rule 8.244(c)(2)).

**D049771      In re Villa on Habeas Corpus**

The petition is denied.

**D049772      In re Espinal on Habeas Corpus**

The petition is denied.

COURT OF APPEAL OF THE STATE OF CALIFORNIA  
FOURTH APPELLATE DISTRICT  
DIVISION ONE  
March 7, 2007 (Continued)

**D049826      In re Brian Steven McNeal on Habeas Corpus**

The petition is denied.

**D049738      In re Copenhaver on Habeas Corpus**

The petition is denied.

**D050317      Payan v. Superior Court of San Diego County/People**

The petition is denied.

COURT OF APPEAL OF THE STATE OF CALIFORNIA  
FOURTH APPELLATE DISTRICT  
DIVISION ONE  
March 8, 2007

**D046874      Cates et al. v. Division of Gambling and Control et al.**

The Cates judgment is reversed insofar as the court denied her leave to amend to assert a claim for retaliation under Labor Code section 1102.5 and granted summary adjudication of her claims for discrimination, failure to prevent discrimination, retaliation and aiding and abetting retaliation. The Heintz judgment is reversed insofar as the court summarily adjudicated his discrimination and failure to prevent discrimination claims. The Ellis judgment is reversed insofar as the court denied him leave to amend to assert a claim for retaliation under Labor Code section 1102.5 and granted summary adjudication of his discrimination and failure to prevent discrimination claims. In all other respects, the judgments are affirmed. Cates, Ellis and Heintz are awarded their costs on appeal. Broach and the Defendants must bear their own appellate costs. The matter is remanded for further proceedings in accordance herewith. McIntyre, J.(separate concurring opinion also); We Concur: Haller, Acting P.J., McDonald, J.

**D047709      People v. Scott**

The supplemental petition for rehearing is denied.

**D050370      In re Brian Steven McNeal on Habeas Corpus**

The petition is denied.

**D049770      In re Brian Steven McNeal on Habeas Corpus**

The petition is denied.

**D049739      In re Javier Espinoza Rodriguez on Habeas Corpus**

The petition is denied.

**D049497      In re Turner on Habeas Corpus**

The petition is denied as moot.

COURT OF APPEAL OF THE STATE OF CALIFORNIA  
FOURTH APPELLATE DISTRICT  
DIVISION ONE  
March 9, 2007

**D046980      People v. Diaz**

The judgment is affirmed. Irion, J; We Concur: Haller, Acting P.J., McDonald, J.

**D049590      People v. Latham**

The judgment is affirmed. McConnell, P.J.; We Concur: Haller, J., Aaron, J.

**D047717      Insurance Company of the West v. Smith et al.**

The order is affirmed. Smith and Colton are entitled to costs on appeal. McConnell, P.J.;  
We Concur: McDonald, J., McIntyre, J.

**D048648      People v. Ruiz**

The trial court is directed to modify its minute order to provide that the destruction of evidence conviction is a misdemeanor. The judgment is otherwise affirmed. McDonald, J.;  
We Concur: Benke, Acting P.J., Aaron, J.